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OFFICE OF PETITIONS

In re Application of :
Hagen et al. :
Application No. 10/637,147 : ON PETITION
Deposited: August 8, 2003 :
Attorney Docket No.: 16229-US :
Title of Invention: Auxiliary Seed :
Hopper Having A Removable Screen :

This is a decision on the Petition for Filing Date filed May 14, 2004, requesting that the above-identified application be accorded the filing date of August 8, 2003.

Application papers in the above-identified application were deposited on August 8, 2003. However, on May 4, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application", notifying applicants that the application papers had **not** been accorded a filing date because the application was deposited without drawings.¹

In response, 2 sheets of drawings, including figures 1-3 and the present petition were filed on May 14, 2004. The petition contends that the application as filed included 2 sheets of drawings and were described in the original filed specification. In support, the petition is accompanied by a copy of applicants' postcard receipt which acknowledges receipt in the office of "2 sheets of formal drawings" on August 8, 2003.

Applicant's postcard receipt is prima facie² evidence that drawings were received on August 8, 2003, but no drawings are present in the file. Hence, it is clear that the papers for this

¹See 35 U.S.C. 111(a)(4)

²A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the office of all items listed thereon. See MPEP 503.

application were mishandled by the Office. Therefore, it is concluded that 2 sheets of drawings, including figures 1-3, were received on August 8, 2003, as shown in counsel's file, and later misplaced in the Office.

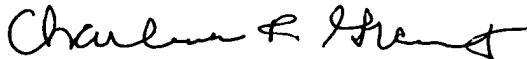
The petition is Granted.

Since the original drawings cannot be located in the Office, the copy of the drawings supplied on May 14, 2004, will be used for processing and examination purposes.

No petition fee is due and none has been charged.

The application will be returned to the Office of Initial Patent Examination for further processing with a filing date of August 8, 2003, using the 2 sheets of drawings supplied on May 14, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.



Charlema R. Grant
Petitions Attorney
Office of Petitions